

REMARKS

Applicants submit this Amendment in reply to the Office Action mailed September 15, 2006. At the outset, Applicants propose to amend claims 33, 40 and 47 by adding the limitation “wherein the mould includes means for retaining the plurality of studs in the seats, and the retaining means is separated from the plurality of studs when the mould is closed” and to amend claims 34, 41, and 48 to recite “wherein the retaining means includes a magnet, which exerts a magnetic force, such that the studs are retained by said magnetic force.”

The originally-filed specification, claims, abstract, and drawings fully support the proposed amendments to claims 33, 34, 40, 41, 47, and 48. In particular, support for the phrase “wherein the mould includes means for retaining the plurality of studs in the seats, and the retaining means is separated from the plurality of studs when the mould is closed” is shown in Figure 2b, in which it shows that retaining means 205 (which is disclosed as being a magnet) is separated from and not contacting the stud 210/211 when the mould is closed.

In the Office Action dated September 15, 2006, the Examiner rejected claims 34, 41 and 48 under 35 U.S.C. § 112, second paragraph; rejected claims 33, 34, 40, 41, 47 and 48 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 2,770,013 to Crooker (“Crooker”); rejected claims 35-37, 42-44 and 49-51 under 35 U.S.C. § 103 (a) as being unpatentable over Crooker in view of U.S. Patent No. 2,121,956 to Eger (“Eger”); rejected claims 35-39, 42-46 and 49-53 as being unpatentable over Crooker in view of U.S. Patent No. 2,808,621 to Torrey (“Torrey”); rejected claims 33, 34, 40, 41, 47 and 48 under 35 U.S.C. § 103 (a) as being unpatentable over Crooker and optionally in view of at least one of U.S. Patent No. 5,234,326 to Galli (“Galli”) and U.S. Patent No. 3,504,414 to Breen (“Breen”); rejected claims 35-37, 42-44, and 49-51 under 35 U.S.C. § 103 (a) as being unpatentable over Crooker, optionally in view of at

least one of Galli or Breen, and further in view of Eger; and rejected claims 35-39, 42-46 and 49-53 under 35 U.S.C. § 103 (a) as being unpatentable over Crooker, optionally in view of at least one of Galli or Breen, and further in view of Torrey. In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Rejection Under 35 U.S.C. § 112

The Examiner rejected claims 34, 41 and 48 under U.S.C. § 112 for allegedly being indefinite. In particular, the Examiner alleged that “[i]t is unclear if claims 34, 41, and 48 require retaining means to be ‘magnetic means’ or a ‘magnet.’” (Office Action at 2.) While Applicants disagree, in order to advance prosecution, claims 34, 41 and 48 have been amended to recite that the “the retaining means includes a magnet, which exerts a magnetic force, such that the studs are retained by said magnetic force,” in order to advance prosecution. As such, Applicants respectfully request that the Examiner withdraw the rejections under 35 U.S.C. § 112, second paragraph.

Rejections of Claims 33-34, 40-41, and 47-48

Applicants respectfully traverse the 35 U.S.C. § 102 (b) rejection of claims 33-34, 40-41, and 47-48 and the 35 U.S.C. § 103 (a) rejection of claims 33-34, 40-41, and 47-48. As discussed in greater detail below, none of Crooker, Galli, or Breen anticipates or renders obvious proposed amended claim 33, and claims 40 and 47. Specifically Crooker at least fails to teach the limitation “wherein the mould includes means for retaining the plurality of studs in the seats, and the retaining means is separated from the plurality of studs when the mould is closed.”

Applicants previously argued that Crooker does not teach that the “retaining means is separated from the plurality of studs” since the Examiner acknowledged that “Crooker’s stud

contacts magnet 49 instead of never contacting magnet 49” (see Amendment After Final, mailed August 4, 2006, page 9). In response, the Examiner asserted that the claim language “fails to exclude contact between the studs and retaining means when the mold [sic] is closed” and is therefore met by Crooker. (Office Action at 5.) In order to advance prosecution, Applicants have amended independent claims 33, 40 and 47 to recite that “the retaining means is separated from the plurality of studs when the mould is closed.” As acknowledged by the Examiner, Crooker only shows a separation between the studs and the retaining means “caused by the opening of the mold [sic]” (Office Action at 5) and not when the mould is closed (see Figure 1).

Therefore, Crooker does not anticipate each and every limitation of independent claims 33, 40 and 47 for the reasons discussed above. Accordingly, as amended, the rejections of claims 33, 34, 40, 41, 47, and 48 under 35 U.S.C. § 102 (b) should be withdrawn. Claims 33, 40 and 47 should be allowable over the Crooker and claims 34, 41 and 48 should be allowable at least from their dependence from claims 33, 40 and 47.

The Examiner relies on Galli for allegedly teaching the claimed predefined degree of clearance. (Office Action, page 6-7.) Galli, which is silent as to providing any studs whatsoever in a tire, also cannot teach or suggest that the “retaining means is separated from the plurality of studs”(emphasis added).

The Examiner alleges that Breen teaches “retaining studs in position using suctioning means ... wherein when suction means are used, the stud 14,16 is ‘separated’ from the retaining means (fan 42).” (Office Action at 8.) Breen discloses a tool for inserting tire studs and does not show a mould. In Figure 6, Breen discloses a stud held by suction developed in passage 44. (Breen, col. 3, lines 37-42.) Therefore the retaining means in Breen is properly seen as the passage 44, and that passage is in direct contact with socket 26 which holds the stud. Therefore,

Breen also cannot teach that "the retaining means is separated from the plurality of studs at when the mould is closed," as claimed in proposed independent claims 33, 40 and 47.

As noted above, Crooker fails to teach the claimed "retaining means [being] separated from the plurality of studs at when the mould is closed." Galli and Breen fail to cure the above-noted deficiencies of Crooker. Claims 33, 40 and 47 are allowable over the combination of Crooker, Breen and Galli at least for these reasons. Therefore, none of the applied references teaches or suggests each and every limitation of claims 33, 40 and 47. Accordingly, claims 34, 41, and 48 are allowable at least due to their corresponding dependence from claims 33, 40 and 47. The rejections of claims 33, 34, 40, 41, 47, and 48 under 35 U.S.C. § 103(a) should be withdrawn.

Rejection of Claims 35-39, 42-46, and 49-53

Applicants respectfully traverse the rejection of claims 35-37, 42-44, and 49-51 under 35 U.S.C. § 103 (a) as being unpatentable over Crooker, optionally in view of at least one of Galli and Breen, and further in view of Eger, and the rejection of claims 35-39, 42-46, and 49-53 under 35 U.S.C. § 103 (a) as being unpatentable over Crooker, optionally in view of at least one of Galli and Breen, and further in view of Torrey.

The shortcomings of Crooker, Galli, and Breen are discussed above. Eger teaches a tire with cup-shaped metallic inserts 6 which are tightly fit into the tire. (Eger Specification column 3, lines 25-40. Torrey teaches a tire in which friction elements 17 are placed in the tire mold and are attracted to, and become affixed to, the magnets 16. Both references are entirely silent as to the claimed "wherein the mould includes means for retaining the plurality of studs in the seats, and the retaining means is separated from the plurality of studs when the mould is closed."

Claims 35-39, 42-46, and 49-53, therefore, are allowable at least due to their dependency from claims 33, 40 and 47.

Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, 35 U.S.C. § 102(b), and 35 U.S.C. § 103(a), and allowance of pending claims 33-53. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 

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